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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,914	01/02/2001	Makiba Shigezumi	12757/2000	7340
466	7590	05/06/2005	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,914

Applicant(s)

SHIGEZUMI

Examiner

Paul H. Kang

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-20 is/are allowed.
- 6) ☐ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☒ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/25/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Examiner Sajid Yussuf is no longer assigned to the present patent application. This application is now assigned to Examiner Paul H. Kang. In examining this patent application, full faith and credit has been given to the search and action of the previous examiner. MPEP § 719.05.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,321,267 to Donaldson et al., in view of U.S. Patent No. 6,795,443 B1 to Jeong et al.**

4. As per claim(s) 1 Donaldson discloses the invention substantially as claimed. Donaldson teaches a packet verification means for verifying whether there are any abnormality in contents of a received DNS (domain name system) packet before transmitting it to a DNS server, (See Column 14 Lines 30-67); and error response means for generating an error response packet and transmitting request source if an abnormality detected, (See Column 15 Lines 1-56).

However, Donaldson does not teach a DNS server filter apparatus further comprising verifying whether there is any abnormality in contents of a to-be-transmitted DNS packet before transmitting it from the DNS server. In the same field of endeavor, Jeong teaches a an apparatus and method of verifying whether there is any abnormality in contents of a to-be-transmitted DNS packet before transmitting it from the DNS server (The service gateway checks DNS packets for errors for packet destined to the DNS server as well as incoming from the DNS server. See Jeong, col. 7, lines 18-53 and col. 9, line 61 – col. 10, line 39). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the apparatus for verifying DNS packets from the DNS server, as taught by Jeong, into the apparatus of Donaldson for the purpose of resolving DNS response packet error conditions.

5. As per claim(s) 3 Donaldson-Jeong teach the claimed invention as described in claim(s) 1 above and furthermore discloses said packet verification means checks a DNS packet, being sent from an inside network of an organization to an outside network outside of the organization, for obtaining information on a host name, domain name, and an IP address transmitted to a DNS server belonging to the outside network outside the organization from terminal inside the organization using the DNS protocol, (See Donaldson, Column 18 Lines 12-31; Jeong, col. 7, lines 18-53 and col. 9, line 61 – col. 10, line 39); and wherein said error response means generates an error response packet and transmits it a request source when detecting an abnormality, thereby preventing said DNS server belonging to the network outside the organization from operating abnormally (See Donaldson, Column 17 Lines 38-67 & Column 18 Lines 1-31).

6. As per claim(s) 4 Donaldson-Jeong teach the claimed invention as described in claim(s) 1-3 above and furthermore discloses adding and deleting means for adding deleting abnormality detecting conditions of the DNS packet, (See Donaldson, Column 18 Lines 12-31; Jeong, col. 7, lines 18-53 and col. 9, line 61 – col. 10, line 39).

7. As per claim(s) 5 Donaldson-Jeong teach the claimed invention as described in claim(s) 1-4 above and furthermore discloses A firewall apparatus wherein there is mounted said DNS server filter apparatus claimed in one of claim 1, (See Donaldson, Column 16 Lines 26-65).

Allowable Subject Matter

8. Claims 7-20 are allowed.

9. Claims 2 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1 and 3-5 have been considered but are moot in view of the new ground(s) of rejection. The applicant argued in substance that the prior art of record failed to teach filtering to-be-transmitted DNS packets from the DNS server. The new grounds of rejection teaches this feature.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


PAUL H. KANG
PRIMARY PATENT EXAMINER